# BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

DAVID ACKER Claimant	}
VS.	) ) ) Docket No. 179,375
FOLEY TRACTOR COMPANY Respondent	) Docker No. 179,373
AND	
EMPLOYERS MUTUAL CASUALTY Insurance Carrier	}

# ORDER

**ON** the 16th day of June, 1994, the application of the respondent for review by the Workers Compensation Appeals Board of an Order entered by Administrative Law Judge George R. Robertson, dated May 6, 1994, came on for oral argument.

## **APPEARANCES**

The claimant appeared by and through his attorney, Dwight A. Corrin of Wichita, Kansas. The respondent and its insurance carrier appeared by and through their attorney, Mickey W. Mosier of Salina, Kansas. There were no other appearances.

#### RECORD

The record considered by the Appeals Board consists of the documents filed of record with the Division of Workers Compensation in this docketed matter including the transcript of Preliminary Hearing before Administrative Law Judge George R. Robertson dated May 4, 1994, and the exhibits attached thereto.

### **ISSUES**

- (1) Whether the Administrative Law Judge exceeded his jurisdiction in granting a vocational rehabilitation plan which exceeds the thirty-six (36) week limitation set forth in K.S.A. 44-510g(e)(3).
- (2) Whether this Appeals Board has jurisdiction to hear this appeal.

IT IS SO ORDERED.

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the evidence presented and for purposes of preliminary hearing, the Appeals Board finds:

The appeals process to be followed as specifically set forth in K.S.A. 44-534a and K.S.A. 44-551 precludes the Appeals Board from entertaining this appeal. As the Appeals Board does not have jurisdiction to entertain this matter, this appeal is dismissed.

## **AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge George R. Robertson, dated May 6, 1994, remains in full force and effect.

Dated this day of July, 1994.	
BOARD MEMBER	
BOARD MEMBER	
BOARD MEMBER	

c: Dwight A. Corrin, 212 N. Market Suite 304, PO Box 47828, Wichita, KS 67201-7828 Mickey W. Mosier, PO Box 380, Salina, KS 67402-0380 George R. Robertson, Administrative Law Judge George Gomez, Director